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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

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March 27, 1984

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MEMORANDUM FOR

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Director, Intelligence Community Staff

SUBJECT:

Civil/Public Access to Imagery

Reference the attached correspondence concerning civil/public access to imagery. Recognizing that several studies have been conducted by the intelligence community in this area, I would appreciate your thoughts on how best to respond to Jim Beggs' letter of March 16, 1984. (S)


 Gilbert D. Rye
 Colonel, USAF
 Director of Space Programs

Attachments

1. NASA Ltr to DAPNSA, dtd March 16, 1984
2. DAPNSA Memo to NASA, dtd February 21, 1984
3. CIA Ltr to APNSA, dtd February 7, 1984

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National Aeronautics and
Space Administration

Washington, D.C.
20546

Office of the Administrator

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MAR 16 1984

Honorable J. M. Poindexter
Deputy Assistant to the President
for National Security Affairs
The White House
Washington, DC 20500

Dear Mr. Poindexter:

I share the underlying concern implied in your memorandum of February 21, 1984. As we witness the growing sophistication of our ability to acquire from space, earth imagery in general, and the steady convergence of both U.S. and foreign civil technologies with those of our national intelligence systems in particular, the prospect of civil acquisition of imagery with national security intelligence value increases.

The forecast proliferation of this civil data will make exercise of controls on distribution through all avenues increasingly difficult—a situation which, I would note, will surely be exacerbated by the entry of private enterprise into this domain through commercialization initiatives.

I would note further that our national policy in this regard is far from comprehensive. In the United Nations, we have resolutely adhered to the concept of the right to acquire imagery from space and the right to disseminate this imagery without prior consent of other nations. As a manifestation of this principle, it has been our practice to make available, on a nondiscriminatory basis, all U.S. civil imagery from space except for the provision of data in certain instances to principal investigators on an exclusive-use basis for a fixed period of time before the data is made available on a nondiscriminatory basis. Our national space policy delimits ten-meter resolution as the threshold for imposition of controls, although a knowledgeable consensus agrees that data from various types of sensors of lower resolution can have intelligence value when imaging both foreign and domestic targets. Clearly, a more definitive national policy is required for our overall guidance.

Having outlined the difficulties which confront us, I believe it would be useful to outline those actions which NASA has undertaken to cope with the situation.

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IN ITS ENTIRETY

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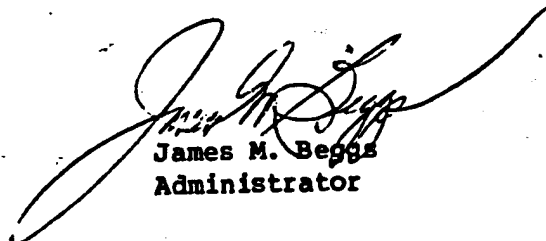
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Section 303 of the National Aeronautics and Space Act of 1958, as amended, states "Information obtained or developed by the Administrator in the performance of his functions under this Act shall be made available for public inspection except (i) information authorized or required by Federal Statute to be withheld, and (ii) information classified to protect national security" Section 304(a) states "The Administrator shall establish such security requirements, restrictions, and safeguards, as he deems necessary in the interest of national security" Thus, while the authority to control dissemination is clearly resident within NASA, I believe the interests of the civil space program are best served if we can avoid the inaccurate public perception that NASA is involved in intelligence gathering as might be suggested by withholding information from the public domain. This approach is best implemented by procedures which attempt to preclude the acquisition of "sensitive" data, and pre-mission planning and crew discipline are key. In this regard, the Special Activities function of my DOD Affairs Division reviews, with informal consultation with appropriate elements of the intelligence community, ground traces of the Shuttle orbital flight path as part of the planning for each Shuttle flight. Civil earth imagery acquisition over areas of prospective sensitivity are deleted from planned timelines, and crew members are provided guidance on constraints on discretionary (non-planned) activities.

As a further step in our approach to the overall problem, anticipation of the increased amount of discretionary imagery expected to result from the growing numbers of scheduled Shuttle flights led us to recently review our procedures for release of this information into the public domain. This review concluded that a prudent public affairs policy required the identification of photographs prior to public release with a better system for organizing the photos by broad subject category. Inherent in this public affairs policy is the opportunity to internally review selected elements of imagery and to exercise our obligation to withhold public disclosure in the unlikely event information determined to be classified has been acquired.

I hope this rather lengthy response is useful in communicating our current concerns and our evolving approach to this subject. While I can assure you of our diligence in exercise of both our responsibility and authority for the protection of information impacting national security, I reiterate that a national policy review would be most useful and solicit your support toward this end.

Sincerely,



James M. Beggs
Administrator

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THE WHITE HOUSE
WASHINGTON

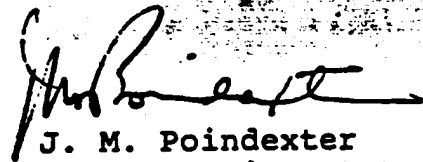
February 21, 1984

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MEMORANDUM FOR JAMES M. BEGGS
Administrator
National Aeronautics and Space Administration

I understand that NASA is considering the public sale of imagery taken from one or more Shuttle flights. Concern has been expressed that these photographs may disclose sensitive national security information. I would appreciate it if you could look into this matter and work closely with military and intelligence officials in assessing the sensitivity of the photos. (S)

Obviously, we should withhold sale of the imagery if there is even the remotest chance of revealing classified information. (U)



J. M. Poindexter
Deputy Assistant to the President
for National Security Affairs

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